United Nations CEDAW/C/SRB/Q/4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
3 August 2018
Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women
Seventy-second session
18 February–8 March 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fourth periodic report of Serbia

Constitutional, legislative and institutional framework and definition of discrimination

1. In the fourth periodic report of the State party (CEDAW/C/SRB/4, para. 8),[1] it is stated that the bill amending the Law on the Prohibition of Discrimination, developed in cooperation with the Equality Commissioner and the European Commission, is fully compliant with European Union directives, including the definition of indirect discrimination. Please explain which specific provisions have been harmonized and whether they cover all forms of discrimination against women, direct and indirect, including those that are intersecting on the basis of residence, disability, age, ethnicity, religion, sex, sexual orientation and gender identity, in the public and private spheres. Please also explain how "harassment" and "sexual harassment" are defined in law.

2. Please provide information about the status of adoption of the bill on gender equality, under which multiple discrimination is outlawed and which provides for free legal assistance (para. 7). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1, to end all forms of discrimination against all women and girls everywhere, please indicate whether gender-based violence is addressed and provide information on protection mechanisms. Please also explain whether the new law will explicitly prohibit discrimination against lesbian, bisexual and transgender women and intersex persons.

[1] Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party.

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Access to justice

3. According to the report, the bill on free legal assistance is largely complete and an assessment of the financial impact of the establishment of a free legal assistance system has been prepared (para. 9). In line with the Committee's general recommendation No. 33 (2015) on women's access to justice, please explain which measures have been taken to ensure the interdependence of and avoid overlap between the bills on gender equality and free legal assistance. Please specify the timeline for the enactment of the latter and the human and financial resources that will be allocated to legal aid programmes. Please also provide information on measures taken to ensure the availability of courts or other mechanisms for women involved in, and wishing to bring, legal proceedings relating to discrimination.

National machinery for the advancement of women

4. In view of the State party's obligations under article 3 of the Convention and the Committee's general recommendation No. 6 (1988) on effective national machinery and publicity and the State party's commitment to achieving Sustainable Development Goal 5, please explain what measures, such as the establishment of an independent monitoring mechanism and action plans, have been taken to ensure the enactment and implementation of the bill on gender equality. According to the report, a coordination body for gender equality, a service for related matters and gender equality mechanisms at the provincial and local levels will be established once the bill is enacted. Please provide information on the extent to which such equality mechanisms have been established at the local level, their functioning, composition and coordination, and on steps taken to render fully operational the action plan for the implementation of the national strategy for gender equality for the period 2016–2020. Please also provide detailed information on the measures taken to ensure the independence, effectiveness and mandates in favour of gender equality of the Protector of Citizens (Ombudsman), in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please inform the Committee about the level of inclusion of women's organizations in the development of the national action plan adopted in 2017 for the implementation of Security Council resolution 1325 (2000) on women and peace and security.

Temporary special measures

5. In addition to the information provided on temporary special measures aimed at increasing the political participation and representation of women and measures to promote women's employment and education (paras. 44–65), please indicate any other such measures that have been adopted, or are envisaged, to accelerate the achievement of substantive gender equality in public and political life, education and employment.

Stereotypes

6. Please provide information on the impact that the national campaign to increase the State party's birth rate, which has been supported by religious leaders, has had on the overall perception of the traditional roles of women and girls in the family and society, in particular with regard to the relegation of women to a reproductive role. Please elaborate on steps taken to address discriminatory stereotypes regarding the roles of women and men in the family and in society.

7. With reference to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, please indicate whether teacher training

has been made gender-sensitive, which curricula have been reviewed, and with what results, and whether teaching materials at all levels of education promote women's rights, gender equality and non-violent masculinity. Please also indicate the measures that have been taken to support women and girls who wish to choose non-traditional career paths.

Gender-based violence against women

8. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and Sustainable Development Goal 5, target 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on the Law on the Prevention of Domestic Violence of 2016 and other related legislation, the measures to give it effect and any obstacles encountered in its implementation, in particular in protecting women who belong to vulnerable groups, especially those with disabilities and Roma women. Please provide updated information on the progress made in amending article 179 of the Criminal Code, which provides a lower standard of protection in cases of rape for women with disabilities, with a view to repealing its discriminatory nature and language.

9. Please provide additional information on the measures taken to address gender-based violence and put in place a new national strategy for preventing and eliminating violence against women. Please also provide information on the services available to women who fall victim to such violence, the number of available shelters and rape crisis centres and the human and financial resources allocated to them. Please describe the measures taken to build the capacity of law enforcement officials, including judges, prosecutors, police officers, doctors and social workers, to enforce the laws and apply the standard operating procedures for dealing with survivors of sexual and gender-based violence, to investigate and prosecute perpetrators and to protect victims. Please also provide data, disaggregated by age, ethnicity, disability and relationship between the victim and perpetrator, on the number of prosecutions and convictions and the types of sentences imposed on perpetrators of gender-based violence against women, in particular women from disadvantaged groups and especially those with disabilities and Roma women.

Trafficking and exploitation of prostitution

10. Please specify the timeline for adopting the strategy for the period 2017–2022 to prevent and eliminate trafficking in human beings, in particular women and children, and to protect victims of human trafficking, and its action plan (para. 119). Please also provide additional information on the measures taken to prevent trafficking in women and girls and to enhance victim protection (paras. 120–122) and identification (paras. 123–124). Please also describe the measures taken by the State party to conclude bilateral and regional agreements to facilitate cooperation on trafficking with other countries in the region.

11. Please provide information on the prevalence of prostitution in the State party, the legal framework applicable to prostitution, and measures adopted to prevent the sexual exploitation of women and girls, to reduce demand and to ensure that alternative income opportunities and exit programmes are available to those wishing to leave prostitution. Please also indicate the measures taken by the State party to protect the rights of women in prostitution, particularly in the areas of health care, social protection and protection from violence.

Participation in political and public life

12. Please provide updated information on the representation of women in political and public life and the measures taken to increase the representation of women, in particular women from ethnic minority groups, in the parliament, judiciary, municipal councils, central and local government and the armed forces, especially in decision-making positions (paras. 127–136). Please also provide information on measures taken to ensure access by women to high ranks in international organizations and in the military diplomatic corps of the State party abroad (para. 131).

Education

13. Please provide updated data, disaggregated by sex, age, ethnicity and residence in rural or urban areas, on the dropout rates of girls at all levels of education and provide examples of measures and support programmes for girls who marry before the age of 18 years. Please describe any measures taken to increase the rate of school attendance by girls, in particular Roma girls, at all levels. Please also supply information on measures taken to integrate Roma children into regular classes, in line with paragraph 41 of the Committee's general recommendation No. 36 (2017).

Employment

14. Please provide information on the results of the implementation of the national action plan on employment (para. 57) and the measures taken to eliminate the gender pay gap and improve the low employment rate of women (paras. 152–158). Please also provide information on steps taken to eliminate discrimination in employment affecting lesbian, bisexual and transgender women and intersex persons.

Health

15. Please specify the timeline for adopting the draft national programme for the preservation and improvement of sexual and reproductive health and rights. Please inform the Committee about steps taken to improve women's access to high-quality health-care services and to ensure that laws and policies on the provision of compulsory health insurance and free services to all women and girls, in particular Roma, are implemented.

16. Please indicate which steps have been taken to improve the availability and quality of sexual and reproductive health counselling services for women and girls and provide information on the measures taken to improve access to modern contraceptive methods, including by ensuring universal coverage under State health insurance of all costs relating to such methods, in order to prevent unwanted pregnancies (paras. 174–183). Please also provide information on measures taken to enhance access to health care, and in particular to family-planning services and artificial insemination, for lesbian, bisexual and transgender women and intersex persons.

Rural women

17. Please provide information on the measures taken to increase the participation of rural women in decision-making in political life, improve their access to education, employment, land ownership and management and microcredit schemes and ensure the availability of social assistance services and public transportation for older women living in rural areas. Please also provide updated information on measures taken to end discrimination against rural women with regard to the ownership of property.

Refugee women

18. Please provide information on the measures taken to develop gender-sensitive procedures for processing asylum applications and determining refugee status and to train law enforcement officers on gender-sensitive ways of dealing with refugee and asylum-seeking women and girls, in particular those who are victims of gender-based violence. Please indicate the measures that are in place to prevent gender-based violence against refugee women and girls in transit in the State party, enhance assistance provided to internally displaced persons and ensure that the births of children whose parents lack birth registration or personal documentation are registered.

Disadvantaged groups of women

19. Please provide detailed information on the degree of implementation of the national strategy on social inclusion of Roma men and women for the period 2016–2025 and its accompanying action plan (para. 30) and on measures taken to address intersecting forms of discrimination against Roma women and girls in education, employment, housing and health care. Please also provide information on specific measures taken to weave a gender-sensitive approach in to the aforementioned programmes.

20. Please provide disaggregated data on intersecting forms of discrimination faced by other disadvantaged groups of women, including poor and older women, women with disabilities and female heads of households, in obtaining access to education, employment and social assistance, including pensions, work-related benefits, health care and other basic services, and on the measures taken to address such discrimination.

Marriage and family relations

21. Please specify the measures that have been taken to prevent and reduce the number of underage and forced marriages and teenage pregnancies, in particular in the Roma community. Please also provide detailed information on the measures taken to raise public awareness of the adverse effects of child marriage on the enjoyment by women of their human rights, especially to education, employment and health care. Please provide information on the steps taken to ensure the registration of all marriages, including same-sex partnerships.